



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 11, 2020

BY ECF

The Honorable J. Paul Oetken
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. David Correia*, 19 Cr. 725 (JPO)

Dear Judge Oetken:

On or about October 21, 2019, Your Honor signed a search warrant for a package sent by David Correia via DHL. (19 Mag. 9830 (the “DHL Package Warrant”).) As the supporting affidavit explained, Correia sent this package to his counsel after he learned that there was a warrant for his arrest and shortly before boarding a flight to New York, where he had arranged through counsel to self-surrender upon arriving at the airport. Pursuant to the DHL Package Warrant, the Government seized the DHL package and its contents, including a hard-copy notebook and various electronic devices, which Correia apparently intended to transmit to his counsel to avoid having them in his possession (and thus seized) when he was arrested. The Government ensured that all materials seized pursuant to the DHL Package Warrant were reviewed by a “filter team,” supervised by senior Assistant U.S. Attorneys who are not members of the prosecution team, to ensure that any potentially privileged materials were removed before the remaining materials were released to the prosecution team.

Correia’s counsel have informed the Government that, in their view, *all* of the materials seized pursuant to the DHL Package Warrant—including, apparently, the full content of Correia’s devices—are privileged based solely on the fact that Correia sought to mail them to his counsel before boarding a flight to self-surrender. Having thoroughly evaluated and researched this claim, the Government informed counsel that it was unaware of any authority for such a proposition, which the Government views as meritless, and that the Government therefore intended to proceed with a review of any material that had not been withheld by the filter team as potentially privileged. (See Government letter dated March 2, 2020, attached hereto as Exhibit A.) As a courtesy, the Government informed Correia’s counsel that it would wait two weeks to begin its review so as to permit Correia time to raise this issue with the Court should he chose to do so. (*Id.*) Correia’s counsel responded that they would file a motion “on the Court-ordered schedule,” indicating that their motion would not be filed until May 1, 2020, which is the deadline for pretrial motions.

The Government respectfully requests that the Court order Correia to file any motion asserting a blanket claim of privilege over all materials seized pursuant to the DHL Package Warrant on or before March 23, 2020, which the Government will respond to no later than April

¹ The electronic evidence seized pursuant to the DHL Package Warrant has already been produced to Correia, but the responsive material has not yet been produced to all defendants, and cannot be produced until it is reviewed by the prosecution team.